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Notice of Allowability	Application No.	Applicant(s)	
	10/031,669	GROSS ET AL.	
	Examiner	Art Unit	
	Ghassem Alie	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/07/05.
2. ☒ The allowed claim(s) is/are 15-28.
3. ☒ The drawings filed on 26 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: The claims are allowable because the prior art fails to teach that the frame is slidable in a plane parallel to the punch platen and tiltable with respect to the plane and wherein the frame is adjustable with respect to both orthogonal plane axes as set for in claim 15.

Regarding claim 15, Maschinot (3,741,057) teaches a device for die-cutting a stack of sheet materials including a punch platen. Maschinot also teaches a cutting-die that is also hollow since a stack of labels is forced by the ram through the cutting die. Maschinot also teaches a frame for receiving and retaining the die-cutting blade, wherein the die-cutting blade is adjustable relative to the frame. Maschinot also teaches a receiving apparatus adjustably mounted to the punch platen, wherein the receiving apparatus receives and retains the frame. Maschinot also teaches a cylinder including a movable ram for engaging stacks of sheet materials and pressing the sheet materials into the die-cutter blade wherein initial position of the punch plate is maintained with respect to the cylinder during the operation of the moveable ram. Maschinot also teaches that the frame is received by the receiving apparatus in a direction that is perpendicular to the motion of the movable ram. However, Maschinot fails to teach that the frame is slidable in a plane parallel to the punch platen and tiltable with respect to the plane and wherein the frame is adjustable with respect to both orthogonal plane axes as set for in claim 15.

The prior art by itself or in combination with the other prior art cited fails to teach the claimed invention set forth in claim 15.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. The terminal disclaimer filed on 03/07/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application No. 10/031,817 has been reviewed and is accepted. The terminal disclaimer has been recorded. With respect to the second set of obviousness-type double patenting rejection of the claims of the instant invention over claims of copending Application No. 10/031,671, a terminal disclaimer is not needed since Application No. 10/031,671 has been abandoned on 01/18/05.

Claims 1-14 have been canceled.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

May 18, 2005


Allan N. Shoap
Supervisory Patent Examiner
Group 3700